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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/707,875 | 01/20/2004 | George Nordstrom | 81092030 | 1874 |
| 28395 | 7590 | 08/30/2006 | EXAMINER | |
| BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238 | | | KARLS, SHAY LYNN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1744 | |

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/707,875 | Applicant(s) NORDSTROM ET AL. | |
| | Examiner Shay L. Karls | Art Unit 1744 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claim 8 is withdrawn in view of the newly discovered reference(s) to Rogers (USPN 5964003) and Hess (USPN 6852923). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (USPN 5964003).

With regards to claim 1, Rogers teaches a support plate (72) and a rigid arbor (not labeled but shown in figure 4 as the phantom lines below reference number 20) attached to the support plate. The arbor is adapted to a drive means (18) for rotation of the support plate. There is a cleaning member (68) disposed on and extending from the support plate. While the preamble of the claim includes limitations for the machine tool, the machine tool is not positively claimed in the body of the claim. Therefore, the limitations of the preamble are not read into the body of the claim. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural

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limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Since the prior art of Rogers teaches the structural limitations of the claim, if it was used in the same environment as the present invention, the cleaning member would inherently contact and clean a surface of a machine tool. It is suggested that the applicant claim the apparatus for cleaning in combination with the machine tool.

With regards to claim 3, the cleaning member comprises a flexible wiper, wherein the wiper is a sponge material (col. 2, lines 55-57).

With regards to claims 4 and 5, the cleaning member is disposed along an inside and an outside edge of the support plate. Figures 1 and 4 show the sponge covering the inside edge (middle of the plate) and the outside edge (outer portion of bottom of plate) of the support plate.

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation. The axis of rotation is located in the center of the cleaning member and the cleaning member extends outwardly from the axis.

With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate. The angle is 0 or 180 degrees.

With regards to claim 8, there is further a conduit (126, 58) disposed on the support plate. The conduit is connected to a source of pressurized fluid (col. 3, lines 21-24). There is an aperture (82) for discharging fluid.

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Claims 1, 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess (USPN 3852923).

With regards to claim 1, Hess teaches a support plate (18, 19) and a rigid arbor (13) attached to the support plate. The arbor is adapted to a drive means (53) for rotation of the support plate. There is a cleaning member (44-47) disposed on and extending from the support plate. While the preamble of the claim includes limitations for the machine tool, the machine tool is not positively claimed in the body of the claim. Therefore, the limitations of the preamble are not read into the body of the claim. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Since the prior art of Hess teaches the structural limitations of the claim, if it was used in the same environment as the present invention, the cleaning member would inherently contact and clean a surface of a machine tool. It is suggested that the applicant claim the apparatus for cleaning in combination with the machine tool.

With regards to claim 5, the cleaning member is disposed along an outside edge of the support plate (figure 1)

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation. The axis of rotation is located about the arbor (13) and the cleaning members extend outwardly from the axis.

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With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate. The angle is 0 or 180 degrees.

With regards to claim 8, there is further a conduit (60) disposed on the support plate. The conduit is connected to a source of pressurized fluid (coolant). There is an aperture (14) for discharging fluid.

Claims 1-2, 4, 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (USPN 5168660).

With regards to claim 1, Smith teaches a support plate (16) and a rigid arbor (12) attached to the support plate. The arbor is adapted to a drive means (col. 4, lines 16-18) for rotation of the support plate. There is a cleaning member (24) disposed on and extending from the support plate. While the preamble of the claim includes limitations for the machine tool, the machine tool is not positively claimed in the body of the claim. Therefore, the limitations of the preamble are not read into the body of the claim. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Since the prior art of Smith teaches the structural limitations of the claim, if it was used in the same environment as the present invention, the cleaning member would inherently contact and clean a surface of a machine tool. It is suggested that the applicant claim the apparatus for cleaning in combination with the machine tool.

With regards to claim 2, the cleaning member is a plurality of flexible bristles (24).

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With regards to claim 4, the cleaning member is disposed along an inside edge of the support plate (figure 1)

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation. The axis of rotation is located about the arbor (12) and the cleaning members are disposed around the axis.

With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate. The angle is 0 or 180 degrees.

Claims 1, 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Lang Chip Removal Fans (hereinafter referred to a “Lang”).

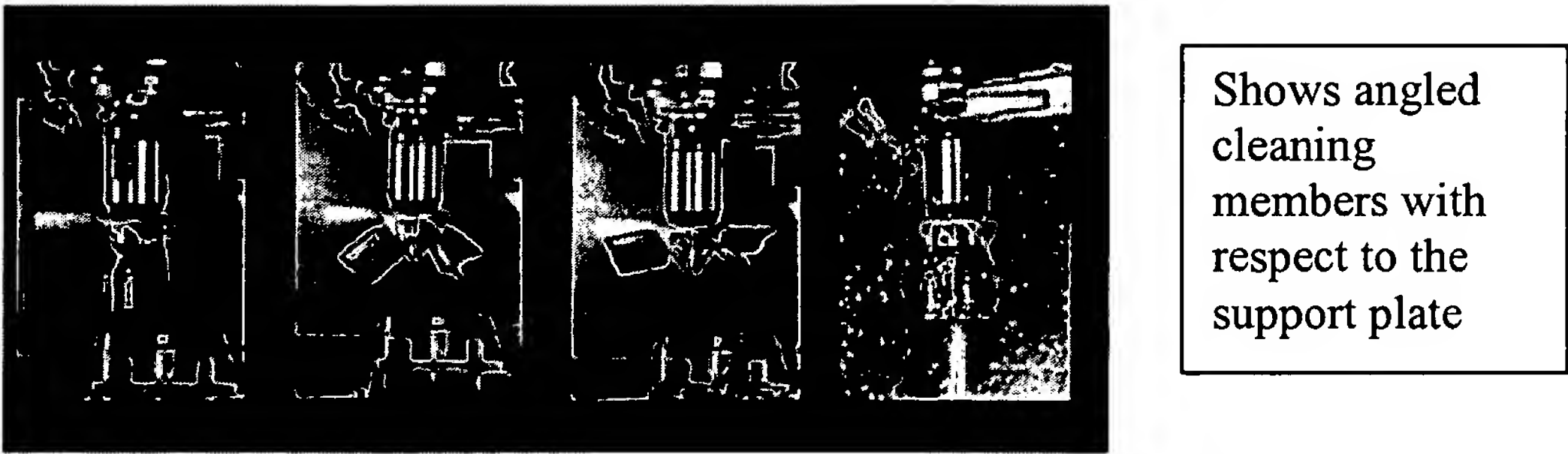
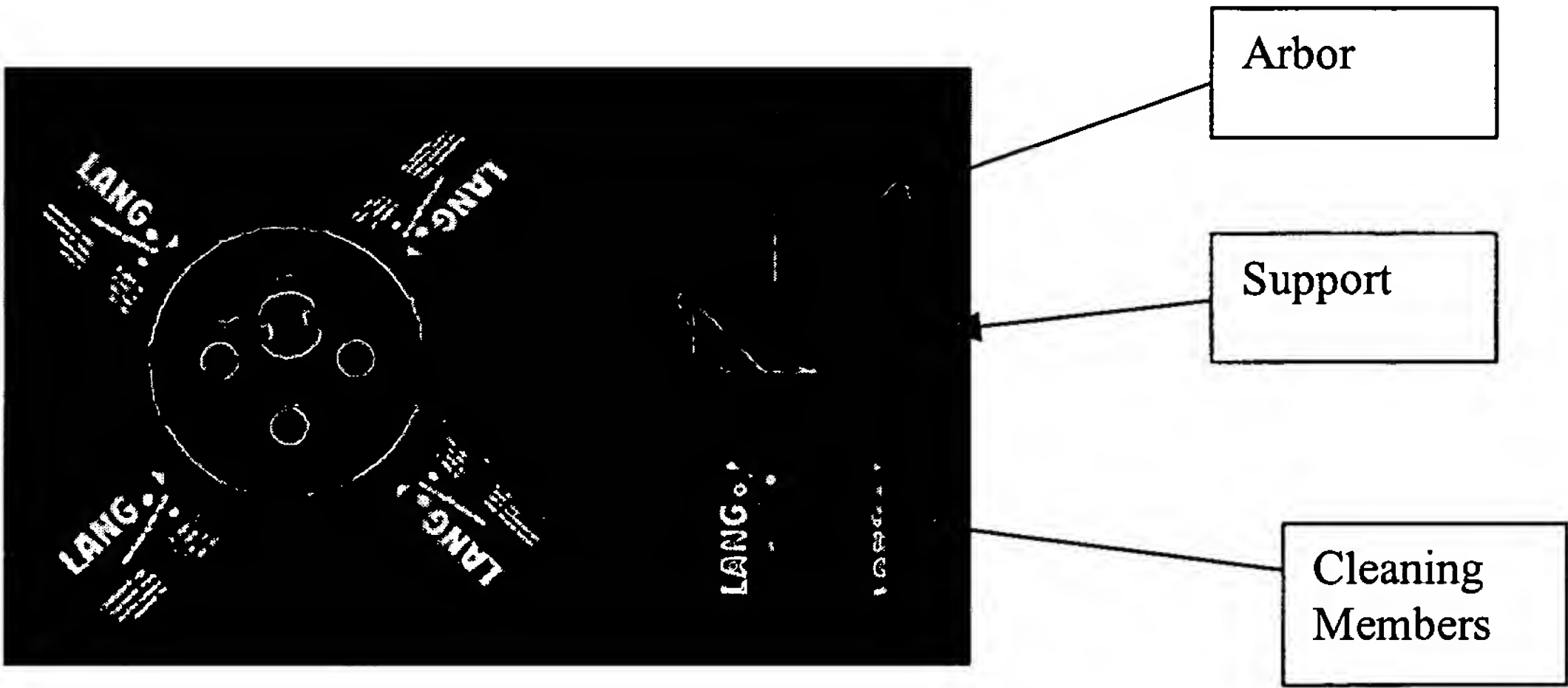
With regards to claim 1, Lang teaches a support plate and a rigid arbor attached to the support plate. The arbor is adapted to a drive means for rotation of the support plate. There are cleaning member disposed on and extending from the support plate (see figure below). While the preamble of the claim includes limitations for the machine tool, the machine tool is not positively claimed in the body of the claim. Therefore, the limitations of the preamble are not read into the body of the claim. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Since the prior art of Lang teaches the structural limitations of the claim, if it was used in the same environment as the present invention, the cleaning member would inherently contact

and clean a surface of a machine tool. It is suggested that the applicant claim the apparatus for cleaning in combination with the machine tool.

With regards to claim 5, the cleaning member is disposed along an outside edge of the support plate (figure below when extended)

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation. The axis of rotation is located about the arbor and the cleaning members are disposed around the axis (figure below of cleaning member extended)

With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate. The angle is between 0 and 180 degrees. See figure below.



Allowable Subject Matter

Claims 9-15 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 9 includes the limitations of a fixture comprising a mounting plate and a bearing block. There is a support plate attached to the fixture via the bearing block, with a cleaning member disposed on the plate. The claim states that the fixture is located within a housing and that the support plate has a first coupling member on the support plate, which engages a second coupling member on the spindle. Given that the limitations in the body of the claim rely on structure from the preamble, the preamble is given meaning in the claim. Therefore, since the fixture is located in a housing and that a first coupling engages a second coupling on the spindle, the claimed combination of the machine tool and the apparatus for dislodging surface contaminants is allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

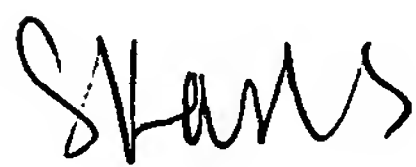
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SLK
8/24/06



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